

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4022 OF 2023
IN
FIRST APPEAL (STAMP) NO. 13866 OF 2017

Smt. Rekha Bhagwan @
Bhagwanta Tathele & Ors.

...Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd.

...Appellant

Versus

Smt. Rekha Bhagwan @
Bhagwanta Tathele & Ors.

...Respondents

Mr. Sandeep S. Jinsiwale for the Appellant.

Mr. Yogesh Pande for the Applicants/Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2023.

P. C. :

1. Learned Counsel for the Applicants submits that the deceased was sole earning member of the Applicants' family. Applicants have no source of income. Applicants need amount for daily expenses. Hence, requested to allow the Application.

2. Learned Counsel for the Appellant-Insurance Company submits that deceased was traveling in the offending vehicle as gratuitous

passenger, but the Tribunal has not considered this fact and has awarded exorbitant and excessive compensation. Hence, requested to dismiss the Application.

3. I have heard both learned Counsel.

4. Deceased was sole earning member of the Applicants' family. Applicants have no source of income. Applicants need the amount for daily expenses. The Tribunal has already passed pay and recovery order. Hence, I pass following order :

ORDER

- i. Applicants are permitted to withdraw 50% amount out of deposited amount alongwith accrued interest thereon, upon furnishing an undertaking.
- ii. Application is disposed of.

(SHIVKUMAR DIGE, J.)